

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

SAMUEL R. GARDNER,)	
AIS # 107989,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL ACTION NO.
)	2:07-CV-1063-WKW
)	
LEON FORNISS, et al.,)	
)	
Defendants,)	

NOTICE OF GOOD FAITH DISCUSSION

Come now the Alabama Department of Corrections (hereinafter referred to as ADOC) Defendants, the Department of Corrections and Leon Forniss, by and through the undersigned counsel in the above styled action, and file this notice of good faith discussion pursuant to this Court's Order (Document 4).

1. That on January 7, 2008, after several attempts, counsel for the Defendants was able to talk to two representatives from the Veterans Administration, namely the Director's secretary and the Chief of Security at the Montgomery VA Hospital. Counsel for the Defendants was told that the VA did not accept incarcerated individuals into their facilities and even if the Plaintiff was brought to a VA facility he would not be allowed entry. The VA representatives recommended that the Plaintiff contact the Regional General Counsel in Atlanta,

Georgia.

2. After that conversation, counsel for the Defendants arranged to have the Plaintiff brought to a telephone, wherein counsel for the Defendants explained to the Plaintiff what he was told by the representative from the VA. The Plaintiff stated that he understood and would try to resolve the matter through the Regional General Counsel for the VA.

3. Based upon the foregoing, counsel for the Defendants respectfully request that this Court's order for a special report and answer be reconsidered and that this action be dismissed.

Respectfully submitted,

Kim T. Thomas
General Counsel
Assistant Attorney General

/s/Albert S. Butler
Albert S. Butler
Assistant General Counsel
Assistant Attorney General

ADDRESS OF COUNSEL:

Alabama Department of Corrections
Legal Division
301 South Ripley Street
PO Box 301501
Montgomery, Alabama 36130-1501
(334) 353-3885

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing documents upon

Inmate: Samuel Gardner
AIS #107989
Staton Correctional Facility
P. O. Box 8
Elmore, Alabama 36025

by placing a copy of said documents in the U.S. Mail, postage prepaid on this the 7th day of January, 2008.

/s/Albert S. Butler (BUTL 1227
Albert S. Butler (BUTL1227)
Assistant General Counsel
Assistant Attorney General